

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
TUESDAY, JULY 6, 2010**

A Regular Meeting of the Deltona City Commission was held on Tuesday, July 6, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Mulder.

2. ROLL CALL:

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Present
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Planning and Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Finance Director Robert Clinger; and Parks & Recreation Director Steve Moore.

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Adrian Sutton sang the National Anthem.

4. APPROVAL OF MINUTES & AGENDA:

1. Regular City Commission Meeting – June 21, 2010.

Commissioner Zischkau stated on Line 20, Page 3, remove the words “on the main motion” and in the following paragraph where it says “motion carried” that could be changed to “main motion, as amended, carried with members voted as follows”. He recommended that the Commission ask the City Clerk to use this format in the future.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to adopt the minutes of the Regular City Commission Meeting of June 21, 2010 as corrected.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;

1 **Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

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3 **B. Additions or Deletions to Agenda:** None.

4
5 **5. PRESENTATIONS/AWARDS/REPORTS:**

6
7 **A. Presentation of GFOA Distinguished Budget Presentation Award to the City's Finance**
8 **Department.**

9
10 Mayor Mulder presented a plaque to Finance Director Robert Clinger and the staff of the Finance
11 Department of the City of Deltona for winning the Distinguished Budget Presentation Award for
12 its budget year beginning October 1, 2009 from the Government Finance Officers Association of
13 the United States and Canada (GFOA).

14
15 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

16
17 a) Diane Kepus, 1934 Helmly Terrace, spoke regarding waiving fees for the use of the Deltona
18 Community Center on four (4) different dates to have candidate forums.

19
20 b) Mike Johnson, 1986 Hunter Ave., spoke regarding the plans, the cost and alleged violations with
21 regards to the construction of Station 65.

22
23 c) Jack Hoyt, 1024 Pearl Tree Rd., spoke regarding residential developments, violations to the land
24 development code as far back as 2004, zoning laws, a 1997 lawsuit he was involved in and the
25 City Charter.

26
27 d) Susan Armon, 3140 Cabot Ct., spoke regarding the Lake Helen Osteen and Elkcarn Blvds.
28 intersection being flooded when there is a substantial rainfall and the mistake made with the
29 additional senior tax exemption.

30
31 e) Robin Ashby, 1611 Timbercrest Dr., spoke regarding Commission term limits and her
32 disappointment that the previous Mayor is being allowed to run again for another term.

33
34 f) John Fleemin, 5304 Cordgrass Bend Lane, spoke regarding the firefighter contract negotiations,
35 lower levels of service to cut overtime costs and the City declaring impasse.

36
37 g) Bill Kessler, 1771 Providence Blvd., spoke regarding the Commission not doing what the citizens
38 want, running for Mayor of the City as a write in candidate and he asked citizens to write his name
39 on the ballot for Mayor.

40
41 h) Gene Reynolds, 1991 Viking Ave., spoke against the Sullivan Street Streetlighting District and he
42 suggested using the \$3.5 million that had been discussed for street lights in the City.

43
44 **7. CONSENT AGENDA:**

45
46 **Commissioner Carmolingo asked to pull Item 7-A from the Consent Agenda and the**
47 **Commission concurred.**

48

A. Request for Approval of Award of Bid #10020, Nuisance Abatements – Enforcement Services Department.

Commissioner Carmolingo stated he is concerned that the cost of \$15 per lawn is too low and wants to make sure the company's services are good. Mr. Baker replied the City had not used this company before but, that the company did meet all the requirements.

Commissioner Zischkau recommended in the future that there be something in the bid documents which shows who the principles of the companies who respond to the bid are.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to approve the award to FCG, Inc. to provide nuisance abatement services for the remainder of the current fiscal year and renewed annually in accordance with the bid and Commission appropriation of funding for these services.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing – Resolution No. 2010-08, Final Assessment Resolution for the creation of the Sullivan Street Streetlighting District.

The public hearing was opened.

Bonnie DeGiovanni, 2002 Greenview Dr., spoke against the Sullivan Street Streetlighting District.

Aida Cruz, 1025 Sullivan St., spoke in favor of the Sullivan Street Streetlighting District.

The public hearing was closed.

Mayor Mulder stated the streetlighting district is done by the majority of the residents within a designated area and requires more than 50% of those people within the area to sign a petition in favor of the streetlighting district.

Commissioner Zischkau stated street lighting is a good thing as far as safety and the deputies of the Volusia County Sheriff's Office (VCSO) estimate that more street lighting would make the streets safer. He gave a brief explanation of why residents need to pay a \$90 fee on their tax bill for street lights, Florida Law and being a user fee State. He urged other residents who want streetlighting in their neighborhoods to call City Hall.

Motion by Commissioner Zischkau, seconded by Vice Mayor McFall-Conte to adopt Resolution No. 2010-08, creating the Sullivan Street Streetlighting District.

Commissioner Denizac asked if the City had fulfilled its legal requirements for this item and Mr. Cooney replied it is his understanding that the City has fulfilled all the notice requirements, the City Clerk sent out all the appropriate letter notices and the item had been published in the paper.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

9. OLD BUSINESS:

A. Consideration of appointment of one (1) member to the Planning & Zoning Advisory Board (Mayor Mulder's appointment) (Tabled June 7, 2010).

Motion by Commissioner Carmolingo, seconded by Vice Mayor McFall-Conte to confirm the appointment of Eileen Gallagher (Mayor Mulder's appointment) to the Planning & Zoning Advisory Board for a term to expire May 15, 2013.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

B. Request for Approval of Award of Bid No. 10015, Construction Administration Services.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Denizac to approve the award of Bid No. 10015 to Ruby Builders, Inc., for Construction Administration Services and to authorize the City Manager to enter into said agreement for such services.

Commissioner Zischkau asked if Mr. Bowley was satisfied that the scope is complete and does what the City needs it to do in hiring someone to represent the City to oversee construction contracts and Mr. Bowley replied "yes sir".

Commissioner Zischkau asked who the contractor would be and Mr. Bowley replied he did not know at this time.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

10. NEW BUSINESS:

A. Request for approval of staff proposal for City rebate of additional homestead exemption tax benefits to qualified low income seniors.

Motion by Commissioner Deyette, seconded by Vice Mayor McFall-Conte to direct City staff to send rebate checks in October 2010 to all qualified persons in an amount equal to the tax benefit they would have received had the additional homestead exemption granted by City Ordinance No. 14-2009 been reflected in the upcoming tax rolls for fiscal year 2010-2011.

Mayor Mulder read a memo from Attorney Skip Fowler dated February 25, 2010. He stated it is obvious in the memo that the additional homestead exemption was missed during the transition between City Attorneys and he does not think that it is necessary to place blame.

Commissioner Denizac asked what the administrative cost would be to the City to implement this program and Ms. Miller replied there is no additional staff time but, staff time could be quantified.

Commissioner Denizac questioned the words "probably allowable" in the agenda memo and Mr. Cooney replied he did not know of any reported cases like this but, the question becomes is this a valid public purpose for the dispersion of funds. He stated his best guess is it can be done and the downside risk is small.

Commissioner Carmolingo asked what the criteria for receiving the exemption were and if it would be verified and Ms. Miller replied all the information is being verified through the Property Appraiser's Office.

Commissioner Zischkau suggested cutting people's tax rate this year because there was no reason to restrict the benefit to a particular group on the basis of age and suggested giving everyone a tax break.

Commissioner Denizac suggested asking the Attorney General for his opinion and Mr. Cooney replied that could be done but, the Commission would only be getting another attorney's opinion.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

11. CITY COMMISSION COMMENTS:

- a) Commissioner Treusch stated he appreciated all that City staff did for the July 4th Event which was a success. Traffic control, the Volusia County Sheriff's Office (VCSO) and everyone did a great job. The City's Veterans Park did a fundraiser at the event to raise money to finish a Vietnam Wall that will be at the park but, due to the bad weather the turnout was lower than

1 expected. He stated if anyone could find it in their heart to help out just go by Veterans Park and
2 give a donation. He stated if anyone has not been to the park to go by and take a look.

3
4 b) Commissioner Denizac stated she addressed the flooding on Elkcarn and Lake Helen Osteen
5 Blvds. with Ms. Miller. She stated the first time she brought the issue up to the City Manager the
6 County was looking into it, monitoring after the next heavy rain and she sent pictures to the City
7 Manager in an email of the flooding.

8
9 c) Commissioner Carmolingo stated the William S. Harvey Scholarship Selection Committee met
10 last month where he was singled out by one of the members of the Committee for making an
11 adjustment to the scholarships that were given. He stated he awarded four (4) \$1,000
12 scholarships to some students that he thought were deserving of it and when he sees their smiling
13 faces he knows he made the right decision. He stated Mayor Mulder asked the members of the
14 Committee who were at the meeting if the Committee would mind the recommended changes and
15 they replied they thought it would be okay if the changes were made. He requested that the
16 Commission have a joint workshop with the Committee to provide direction as to what the
17 Commission's and Committee's duties are.

18
19 d) Commissioner Carmolingo asked the City Attorney to help him with an Ordinance to place a
20 moratorium on Internet Cafés because he is not happy with the service they provide.

21
22 e) Commissioner Carmolingo stated he attended the July 4th Event but, he left early for personal
23 reasons. He complimented everyone who was involved from the City and every department
24 because it was a great thing to see everyone so unified, working together and it is a good feeling
25 to be part of a City like this. He stated the Sheriff's Department, Fire Department, City staff and
26 volunteers were all present at the event and he thanked every one of them from the bottom of his
27 heart for all their hard work.

28
29 f) Commissioner Deyette stated she was glad to be over the virus she had. She thanked everyone
30 who helped out with her Town Hall Meeting with the Economic Development Advisory Board.
31 She thanked Chris Bowley and Steve Moore for their presentations which contained updates on
32 the Activity Center, the upcoming movie theatre at Deltona Village, Thornby Park, Wes Crile
33 Park and the Heritage Corridor. She thanked the people who attended, those that watched it on
34 DTV and she announced the times that the meeting would be rerun on DTV. She thanked all the
35 members of the Economic Development Advisory Board.

36
37 g) Commissioner Deyette thanked the Volusia County Sheriff's Office (VCSO) for the training her
38 neighborhood watch group received from Sergeant Leahy on how to look out for strange or
39 unusual circumstances. She stated the training paid off a few weeks ago when an alert resident
40 knew to quickly make a call when he saw some suspicious activity going on and the deputies
41 responded so quickly that the two (2) perpetrators were caught. The first one was caught
42 immediately by Deputy Miller and the second who tried to get away was caught by Deputy Ison
43 and his canine. She stated if anyone would like to start a neighborhood watch just call the VCSO
44 who will help set it up. She stated Sergeant Leahy taught the neighborhood watch to watch out
45 for anything unusual and out of the ordinary. She stated what the resident saw were two (2) men
46 pushing a car behind an empty house, he thought it was strange enough and called the VCSO.
47 She urged everyone to be aware of everything that is going on in their neighborhood.

- 1
2 h) Commissioner Deyette reminded everyone that August 3rd will be National Night Out at City Hall
3 to bring residents up to date on what neighborhood watches are like and it is a great opportunity
4 to see about starting one.
5
6 i) Commissioner Deyette stated she attended the Westside Volusia Summit on Saturday, June 26th
7 with Ms. Miller and Mr. Denny. She stated this meeting occurs every couple of months, it is
8 open to the public and she will try to announce the next one ahead of time so people can attend.
9 She stated the Westside cities are working hard to solve the water issues with the St. Johns River
10 Water Management District because the Westside cities need to stand up for themselves and have
11 fair treatment throughout all of Volusia County.
12
13 j) Commissioner Deyette stated she attended the July 4th Event where she received several
14 compliments on the event. She stated the rain let up just in time for the fireworks and the band
15 that played was fantastic.
16
17 k) Commissioner Zischkau stated it rained really hard for a couple of hours at the July 4th Event and
18 the band and some of the other folks on stage did their best but, he assured everyone that there
19 was a lot of prayer going on that the American Civil Liberties Union (ACLU) could not stop. He
20 stated after a couple of hours the rain cleared up and it was nice for the last three (3) or four (4)
21 hours and everyone can thank God for that.
22
23 l) Commissioner Zischkau thanked the Deltona Youth Soccer Club who did an outstanding job
24 running the concession stand at the July 4th Event. The adults were supervising, the kids were
25 manning the windows and it is the first time he had seen all four (4) windows operating
26 continuously. He stated although there were a lot of booths, for example five (5) of the
27 candidates had booths set up as well as people selling food and drinks, the concession stand was
28 operating and doing a great job. He stated he went in and took a look around, they showed him
29 what they were doing, how things are stored and how they manage their operation. He stated the
30 Soccer Club has increased their revenue four (4) times from what it was when they had the
31 change in management. He stated he thinks that the efforts of the Commission to stabilize and
32 return control of the concession stand to the Soccer Club have already "borne fruit" and the City
33 has seen the benefits at the July 4th Event.
34
35 m) Vice Mayor McFall-Conte stated she attended the July 4th Event for a few minutes but, had to
36 leave because of the rain. She stated around 6:30 p.m. the busses were full even in the bad
37 weather which was nice to see because some cities cancelled their fireworks.
38
39 n) Vice Mayor McFall-Conte stated the grass at 1590 Drayton Court is waist high and Mr. Baker
40 replied the lawn would be cut tomorrow.
41
42 o) Vice Mayor McFall-Conte stated she noticed that a lot of the telephone poles around the City
43 have a sign on them advertising a wrestling event and Ms. Miller replied staff is working to take
44 them down.
45
46 p) Mayor Mulder thanked all the staff for the July 4th Event, it was raining and wet but, just about
47 every department participated including the public safety departments. He stated everyone made
48 the best of it, were in good spirits and the community could see that. He stated there were a lot of

1 golf carts that he, the City Manager and staff used to cart people back and forth to the busses in
2 the rain. He stated the rain stopped about an hour before the fireworks and for \$5,000 less he
3 thinks the fireworks display was better than in years past.
4

5 **12. CITY ATTORNEY COMMENTS:** None.
6

7 **13. CITY MANAGER COMMENTS:**
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9 Ms. Miller stated a resident spoke under Public Comments requesting the Commission waive fees
10 for the use of City facilities and the organization would fall under the highest category of the
11 City's fees because they are not a non-profit and the City has not waived fees for that kind of an
12 event before. She asked for direction from the Commission.
13

14 Mayor Mulder stated there is a process for an organization to request the waiver of fees for the use
15 of City facilities. Ms. Miller stated right, the organization has made the request through staff and
16 the waiver was denied. Mayor Mulder stated it is a political organization in a sense or a Political
17 Action Committee (PAC) and Ms. Miller replied Ms. Kepus stated the organization is not a 501C3
18 and the fee structure is based on non-profits so actually without being a non-profit she is not sure
19 what category the organization falls under.
20

21 Mayor Mulder stated to him it does not matter, candidates pay to rent space, political parties pay
22 to rent space and he would suggest going by the fee schedule.
23

24 Commissioner Deyette stated when the candidates met on June 19th at the Supervisor of Elections
25 Office to receive updated information Ms. McFall stated that there should not be any campaigning
26 done inside a City facility unless the space was paid for or in parks and parking lots dependent on
27 the permission of the City.
28

29 Vice Mayor McFall-Conte stated there is a process, she thinks it is a political event and she does
30 not think the fees should be waived.
31

32 **14. ADJOURNMENT:**
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34 There being no further business, the meeting adjourned at 7:49 p.m.
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38

39 **ATTEST:**
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41

Dennis Mulder, MAYOR

42 _____
43 **Joyce Kent, CITY CLERK**
44